

18-MJ- 2266 -MBB

**AFFIDAVIT OF TASK FORCE OFFICER MARC POWELL IN SUPPORT OF
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Marc Powell, Task Force Officer, U.S. Drug Enforcement Administration (“DEA”),
being sworn, depose and state as follows:

INTRODUCTION

1. I am an “investigative or law enforcement officer of the United States” within the meaning of Section 2510(7) of Title 18, United States Code, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Section 2516, Title 18, United States Code.

2. I am a Massachusetts State Police (“MSP”) Trooper and have been so since my graduation from the State Police Academy in New Braintree, Massachusetts, in April of 2005. I am currently assigned to the Cape and Islands District Attorney's Office/Cape Cod Narcotics Task Force, where I am also a full-time Task Force Officer (“TFO”) at the DEA/Cape Cod Task Force. Prior to my current assignment, I was a Trooper in the South Yarmouth, Dartmouth, and Bourne Barracks.

3. Prior to becoming a TFO, I was in the MSP Detective Unit for approximately 8 years. I have assisted, initiated, and/or participated in numerous narcotics investigations that have led to arrests and convictions for violation of Massachusetts drug laws and seizure of drugs, firearms, and assets. I have received training from the Massachusetts State Police in criminal investigations, including narcotics investigations. I have also attended training conducted by the New England Narcotics Enforcement Officers Association. I have also received training at several seminars for homicide investigation and other serious and violent crimes. In the course of my

police career, I have participated in numerous investigations involving homicide, narcotics, sexual assault, child abuse, computer related crimes, and other felony investigations. I have participated in numerous search warrant executions for these investigations.

4. Since becoming a TFO with the DEA, I have conducted numerous investigations concerning the possession, importation and distribution of controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), 846, 952, 960, and 963, as well as the unlawful possession and use of firearms in furtherance of drug trafficking and crimes of violence, in violation of Title 18, United States Code, Sections 924 (c), 1951, and 1959. I have extensive experience reviewing intercepted and recorded conversations between target subjects, amongst others. I also have participated in physical surveillance, the introduction of undercover agents, the execution of search warrants, debriefings of defendants, informants and witnesses, and the review of telephone, financial, and drug records. Through my training and experience, I have become familiar with the manner in which illegal drugs, including heroin, fentanyl and cocaine, are imported, transported, stored, and distributed, and the methods of payment for such drugs. I have also become familiar with the appearance, including the color and texture, of such drugs.

5. Based on this experience, I am able to identify substances that are consistent in their appearance, texture, and packaging with narcotics, including heroin, fentanyl, cocaine, marijuana or oxycodone pills, and that I believe to be such drugs.

6. Based on my training and experience, I believe drug traffickers frequently possess firearms and other dangerous weapons to protect their profits, supply of drugs, and persons from others who might attempt to forcibly take the traffickers' profits and/or supply of drugs. I also

believe drug traffickers frequently maintain their firearms close at hand and/or in their residence so as to have ready access to the firearms.

7. I am familiar with the facts and circumstances of the investigation described herein based on my personal participation in this investigation since approximately May 2018. I make this affidavit based upon personal knowledge derived from my participation in this investigation and upon information (whether received directly or indirectly) that I believe to be reliable from numerous sources including the following:

- i. My training and experience investigating narcotics trafficking offenses;
- ii. Oral reports, written reports, and documents that I have received from DEA and other foreign, federal, state, and local law enforcement agents;
- iii. Physical and video surveillance conducted by me and other federal, state, and local law enforcement officers;
- iv. Federal court-authorized GPS tracking data;
- v. Controlled purchases of narcotics;
- vi. Evidence seized during the execution of search warrants and pursuant to arrests; and
- vii. Queries of law enforcement records and intelligence databases.

PURPOSE OF AFFIDAVIT

8. This affidavit is being submitted in support of a criminal complaint against Jimmy CORREA, a/k/a Jimmy Correa Latimer ("CORREA," "Target Subject," or the "Defendant"), charging that beginning at least in or about March 2018 and continuing until the present, the Defendant did knowingly and intentionally conspire with others known and unknown to possess with intent to distribute and distribute controlled substances, including a mixture and substance

containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a/k/a fentanyl, a Schedule II controlled substance, in violation of 21 U.S.C. § 846 (the “Target Offense”). Forty grams or more of a mixture and substance containing a detectable amount of fentanyl is attributable to, and was reasonably foreseeable by CORREA and, accordingly, 21 U.S.C. § 841(b)(1)(B)(vi) is applicable to CORREA.

9. This affidavit does not set forth all of the facts developed during the course of this investigation. Rather, it sets forth only those facts that are necessary and sufficient to establish probable cause to believe that the Target Subject identified herein has committed the Target Offense, as described below.

THE DEFENDANT

10. Jimmy CORREA, a/k/a Jimmy Correa Latimer is a Hispanic male United States Citizen. CORREA has a criminal history that includes a 2011 felony state drug conviction for which he was sentenced to three years to three years plus one day of committed time, as well as a 2015 conviction for possession of a Class A controlled substance, and a 2010 conviction for reckless operation of a motor vehicle.

BACKGROUND OF THE INVESTIGATION

11. In early 2018, DEA began investigating the drug trafficking activities of Hilario Yogey MOTA-BERNABEL, a/k/a “Edgardo TORRES-HERNANDEZ,” a/k/a “Hector TEJEDA,” a/k/a “Luis ROSA,” a/k/a “EDGAR” (“EDGAR”), after a cooperating witness informed investigators that EDGAR was selling fentanyl in the New Bedford area. In March and April 2018, investigators conducted four controlled purchases of approximately 100 grams each of

fentanyl from EDGAR and his associates. Beginning in or around March 2018, while conducting surveillance of EDGAR at his drug stash location, 355 Nash Road, New Bedford, Massachusetts (“355 Nash Road”), investigators observed CORREA regularly interact with EDGAR. CORREA was observed making frequent trips between 355 Nash Road and a rented storage unit (“Unit H271”) at CubeSmart Self Storage, 376 Hathaway Road, New Bedford, Massachusetts (“CubeSmart Storage”).

12. On March 28, 2018 and April 3, 2018, the Honorable Marianne B. Bowler, United States Magistrate Judge, District of Massachusetts, signed warrants authorizing the government to install and use a real time GPS mobile tracking device on different vehicles driven by CORREA.¹ On May 16, 2018, Magistrate Judge Bowler, signed a warrant authorizing the government to install and use a real time GPS mobile tracking device on a gray/silver Ford Explorer, bearing New York registration number HWV5794, driven by CORREA (“CORREA Vehicle #3”). (18-MJ-2255-MBB). CORREA Vehicle #3 is a rental vehicle rented in CORREA’s name.

13. On May 21, 2018, Magistrate Judge Bowler, signed a warrant authorizing the search and seizure of Unit H271 (the “Unit H271 Warrant”). The affidavit submitted in support

¹ On March 28, 2018, Magistrate Judge Bowler signed a warrant authorizing the government to install and use a real time GPS mobile tracking device on a gray Nissan Rogue, bearing Florida registration number V506ZW, driven by CORREA (18-MJ-2196-MBB). This warrant was never executed, as investigators were not able to locate this vehicle again.

On April 3, 2018, Magistrate Judge Bowler signed a warrant authorizing the government to install and use a real time GPS mobile tracking device on a gray Mazda CX-5, bearing Kentucky registration number 953WMC, driven by CORREA (“CORREA Vehicle #2”)(18-MJ-2232-MBB).

of the Unit H271 Warrant (hereinafter, the “May 21 Affidavit”) is respectfully incorporated herein by reference, and the facts contained in that affidavit are not repeated in full in this affidavit.

PROBABLE CAUSE

14. On the morning of May 22, 2018, investigators executed the Unit H271 Warrant. Inside Unit H271, investigators found, among other items: drug packaging paraphernalia including a “finger” press, a scale, and plastic baggies; identification documents, including a U.S. Passport, Massachusetts driver’s license, and social security card in CORREA’s name; and an empty “Sticky Holsters” brand, LG-2 model, pistol holster. These items were consistent in nature with trash investigators recovered from a trash bag CORREA discarded from Unit H271 on April 4, 2018. On that date, investigators observed CORREA remove a large white trash bag from Unit H271 and place it in CORREA Vehicle #2. According to the GPS tracking device, CORREA Vehicle #2 traveled directly to the area of NorthStar Learning Center at 53 Linden Street, New Bedford, Massachusetts. At approximately 4:42 p.m., investigators observed CORREA exit CORREA Vehicle #2, carrying a white large garbage bag, and deposit the bag into a dumpster near 53 Linden Street. Investigators retrieved the white large garbage bag from the dumpster and searched the discarded contents, revealing: torn identifying paperwork and mail in the name of Jimmy CORREA, at 280 Acushnet Avenue, Apartment 6L, New Bedford, Massachusetts (“280 Acushnet”) as well as at 583 Plymouth Avenue, Apartment 1, Fall River, Massachusetts; a large number of empty corner cut plastic bags and cut plastic bag tops and twists; and torn up packaging for aftermarket firearm accessories.

15. Based on the investigation to date, I believe CORREA is the primary individual in control and possession of Unit H271, and has been since at least March 1, 2018. Unit H271 is rented to CORREA in his name. To the extent investigators have observed CORREA arrive at Unit H271 with others, those individuals have remained outside the unit and have not accompanied him into Unit H271. Pole camera footage from the outside of Unit H271 reveals that CORREA regularly and consistently accesses Unit H271, sometimes multiple times a week, or even multiple times in a day. The only identifying paperwork in the storage unit belonged to CORREA.

16. Later in the morning of May 22, 2018, after the search of Unit H271 had begun, investigators were conducting surveillance in the area of 280 Acushnet, believed to be one of CORREA's residences. Investigators also had a tactical cruiser in the area. This tactical cruiser departed the parking area for 280 Acushnet and, shortly thereafter, investigators observed two Hispanic females exit the apartment building at 280 Acushnet. One of the females walked to CORREA Vehicle #3, which was parked in the area, and opened the rear passenger door. She was observed manipulating items and/or the vehicle's seats for approximately ten minutes. She then reentered the building at 280 Acushnet. Shortly thereafter, CORREA exited 280 Acushnet and entered the passenger seat of another vehicle.

17. Based on the above behavior, and believing that CORREA had been alerted to the search of his storage unit and/or the presence of law enforcement outside his residence, investigators stopped CORREA and the two females. CORREA immediately became agitated and combative with officers. When asked about CORREA Vehicle #3, CORREA first stated that it was not his vehicle. CORREA then stated that CORREA Vehicle #3 was his, but that he did not

search the rental before he rented it, so if investigators found anything in the vehicle, it would not belong to him. Investigators also provided CORREA with notice of the search warrant execution at Unit H271. CORREA again was combative and told officers that anything they found in the storage unit was legal for him to own. Based on the above, and the observed behavior of the woman who entered CORREA Vehicle #3, investigators conducted a search of CORREA Vehicle #3. In the back seat of CORREA Vehicle #3, near where the female had been observed manipulating items within the vehicle, investigators located approximately eight cylindrical pressed “fingers” of a white powder believed to be fentanyl.


18. Based on the above, investigators arrested CORREA. CORREA was Mirandized and then told investigators that the eight fingers of fentanyl belonged to him and that he had picked them up the night before, May, 21, 2018, from 355 Nash Road. CORREA explained that he was “fronted” the approximately eighty grams of fentanyl and that he would owe approximately \$350 per finger to his supplier. CORREA refused to name his supplier but, based on the investigation to date, investigators believe his supplier to be EDGAR, who operates the stash location at 355 Nash Road.

CONCLUSION

19. Based on the information set forth above, I believe probable cause exists to conclude that, beginning at least in March 2018 and continuing until the present, CORREA conspired with others known and unknown to possess with intent to distribute and to distribute controlled substances, including fentanyl, a Schedule II controlled substances, in violation of 21 U.S.C. § 846.

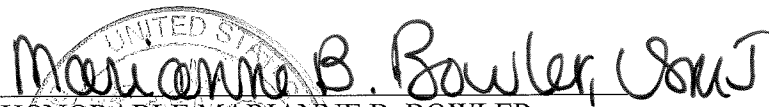
I, Marc Powell, having signed this Affidavit under oath as to all assertions and allegations contained herein, state that its contents are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,



Marc Powell, Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to before me on May 22, 2018



HONORABLE MARIANNE B. BOWLER
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MASSACHUSETTS

